



Tyngsborough Board of Health

Town Hall

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Sheila Perrault, Chairperson

Bernadette Harper – Vice Chairperson

Tracie Looney

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Board of Health Meeting Minutes

October 6, 2014

Members Present: Sheila Perrault (SP), Bernadette Harper (BH), , Steve Berthiaume (SB), Tracie Looney

Also Present: Kerri C. Oun (KO) – Health Agent, Dariza Chan (DC) – Administrative Assistant, Matt Waterman (MW) – Landtech Consultant

6:10 Meeting Opened
SP opened meeting

6:10 Health's Agents Notes:

Regional Organic Waste Program: Northern Middlesex Council of Governments (NMCOG), a regional planning agency, is proposing to apply for Community Innovation Challenge (CIC) Grant funding to form a collaborative that will work together on regional organic waste management system. Applications are due on October 10th. Meeting will be once a month. DEP's Commercial Organics Waste Disposal Ban went into effect on October 1st. This new regulation stipulates that entities generating more than one ton of food/vegetative material each week will no longer be allowed to dispose of the organic material in a landfill, transfer facility or combustion facility. Instead this material must be donated, re-purposed, shipped to an anaerobic digestion (AD) facility where it will be converted to clean energy, or be sent to composting or animal-feed operations. The ban includes supermarkets, colleges, universities, hotels, convention centers, hospitals, nursing homes, restaurants, and food service and processing companies. In addition, primary and secondary schools, as well as community events may be subject to the food waste ban. KO reviewed permitted food establishments and the only one she believed that may fall under the ban is the Greater Voc. School. KO believes grant may establish resources for the businesses or maybe the residents if they want to participate in the ban. SP asked if KO will be able to handle the extra workload. KO said believed she can.

BH: made motion to support the Community Innovation Challenge (CIC) Grant proposal.

TL: 2nd the motion.

Vote: all in favor.

104 Middlesex Rd.: KO issued a letter to owner to connect to sewer. Spoke to Sewer Dept. and owner will hook up on Wednesday.

Tyngs Crossing – 40Bs: Proposed to build 32 single family and duplex on a 4.2 acres. Not enough space for septic systems. Sewer opposed the plan because they do not have reserved capacity.

347 Middlesex Rd: Top Line Granite wants to move from 3 Middlesex Rd to Tyngsborough Garden.

400 Dunstable Rd: Tenant made complaint against landlord and requested inspection. KO issued a violation notice for landlord to make repairs.

Communicable Disease: The State announced a confirmed case of Enterovirus D68 on September 23, 2014. Enteroviruses cause respiratory and gastrointestinal illness, rash, and neurologic illnesses, such as aseptic meningitis and encephalitis. While most infections cause mild or no symptoms, some can be severe. The current outbreak of enterovirus D68 has been predominantly associated with respiratory disease.

Ebola – There has been a confirmed case of Ebola in Texa. The State has issued advisory on Ebola. There is no case in Massachusetts. SP is concerned with lack of protection for local levels. SP asked if we have protective personal equipments. KO said that we may have some but the suits may not provide full protection.

Town Meeting: KO informed the Board that Special Town Meeting is this Wednesday. Sewer has a warrant article on Phase I sewer.

BOH Vacancy: Carolyn Rae Ryan has submitted a letter of interest for the current vacant position on the Board of Health.

6:45 Bridgeview Convenience (168 – 172 Middlesex Rd) continued from August

Jay Patel , owner, called and said that he was not able to make the meeting. KO and MW will drive by to monitor the outbreak. KO had been by and noted the wall and did not see any outbreak.

6:50 41 Phalanx Rd.

Mr. Hooshmand S. Afshar from Taj Engineering, LLC was present to request an approval of the provisional use status of the plan for MassDEP Innovative/Alternative Technology, the Singlair 960 DN – Model 750, by Siegmund Environmental Services, Inc. MW explained to the Board that this technology is different from previous IA systems and is designed under MassDEP Provisional Use Catergory. The design is for the expansion of an existing sewage disposal system which includes an increase in the design flow to six (6) bedrooms and is subject to the Nitrogen Loading Requirements of 310 CMR 15.000, Title 5 due to the onsite well and septic system. MW has no issue with the provisional use given any approvals would include the conditions set forth by the MassDEP Provisional Use Approval Renewal Conditions for this technology, revised May 22, 2014 and the conditions per his letter dated September 19, 2014.

BH: made motion to approve the provisional use status of the plan for the Singlair 960 DN given all conditions in MW's letter dated September 19, 2014 are met and with MW's final review approval.

TL: second the motion.

Vote: all in favor.

7:10 501 - 503 Cardinal Lane (Benchmark Condominiums)

Jeff Hannaford of Norse Design Services, Inc. was present on behalf of his client, Benchmark Estates Condominium Trust to request a variance to 310 CMR 15.000. The request of variance is to the 15.405(1)(h), "Depth of Groundwater", for 4 foot separation instead of the 5 foot as required by Title 5. The grading of the proposed leach area is slightly down gradient from the existing leach fields. If the system were to be installed with the five foot separation, it would not be able to provide the Title 5 required 2% finish grade over the system. This could result in a ponding situation of surface runoff adjacent to the proposed leach field. The 4 foot separation allows existing grade to continue to new one. MW has no issue with the variance. MW has requested Benchmark to provide an overview site for all the septic systems and wells within the development. The plans have become confusing with all the repairs and wells that had been done. Mr. Hannaford has spoken to the condo association and they have given him the go ahead to work on the site plan.

BH: Made motion to grant variance to 15.405(1)(h) for a four (4) foot separation to groundwater provided that an overall site plan is submitted before issuing a certificate of compliance.

TL: 2nd the motion

Vote: All in favor.

7:25 47 Althea Ave:

Jeff Hannaford, engineer from Norse Design Services, Inc. and the owner, Kimberly Rooney were present to request a variance to Title 5 and the Tyngsborough Board of Health Supplemental Regulations to 310 CMR 15.000, Title 5. They requested variances to Local Regulations:

- 2.1 "Distance to Wetlands" - A 100 foot separation is required. The proposed design requires a 25 foot separation.
- 3.2.I. "Impermeable Barriers" – Allowed on no more than 2 sides of the system. The proposed design requires 4 sides of the system.

Title 5, The State Environmental Code:

- 15.405(1)(e) "Distance to Wetlands" – A 50 foot separation is required. The proposed design requires for a 25 foot separation.
- 15.405(1)(g) "Distance to Private Well" – A 100 foot separation is required. The proposed design requires a 59 foot separation.

The septic system failed Title 5. The back of the property faces Lake Althea. The lot is small and is serviced by a well. There is also a well on adjacent property. The property is an existing 2 bedroom house. Due to the location of the existing well and wetlands, there is no alternative but to locate the system in the area as shown. Mr. Hannaford proposed to install polybarrier on all four sides to minimize fill. MW preferred that the polybarrier be on 2 or 3 sides to minimize the "bathtub effect". Mr. Hannaford and MW said that may be done toward front of property.

Due to site constraints, MW recommended approval of the variances except that the design be revised to eliminate one or two sides of the barrier around the system and with the following conditions:

- Provide buoyancy calculations for tanks.

- Any approvals would include the conditions set forth by the Standard Conditions referenced above.
- Provide a certification, signed by the Owner of record, stating that the property owner has read and understands the Standard Conditions referenced above.
- No increase in design flow is allowed for this facility.

BH: made motion to grant variances to:

- Local Regulations:
 - 2.1 “Distance to Wetlands” - A 100 foot separation is required. The proposed design requires a 25 foot separation.
- Title 5, The State Environmental Code:
 - 15.405(1)(e) “Distance to Wetlands” – A 50 foot separation is required. The proposed design requires for a 25 foot separation.
 - 5.405(1)(g) “Distance to Private Well” – A 100 foot separation is required. The proposed design requires a 59 foot separation.
- And to grant variance to local regulation, 3.2.I. “Impermeable Barriers” with the revision of the design to eliminate 1 or 2 sides of the barrier without all four sides being surrounded.
- Variances are subject to conditions set forth in MW’s letter dated October 6, 2014.

SB: 2nd the motion.

Vote: All in favor.

7:40 Meeting Minutes

SB: made motion to approve August 11, 2014 minutes.

TL: 2nd the motion

Vote: All in favor.

7:42 Health Agent’s Notes (cont.:)

Trash and Recycling Policy:

KO reported that the Town Administrative Assistant had asked the Board to come up with a policy for trash and recycling pick up for residents with physical disability. The Board does not want to make the policy because there are “so many layers” to this issue including Republic having to re-evaluate the contract. KO had checked with a few surrounding Towns and they do not have any policies or “official” policies regarding special pick-up. SP recommended that Town Counsel look into the legal aspect of it before any policy can be made. BH recommended contacting Elderly Service to see if anyone from the agency can help out.

8:00 Tobacco Regulation:

Board worked on second-hand smoke regulation for the Town of Tyngsborough. The Board discussed :

1. The minimum standards required pursuant to the Massachusetts Smoke-Free Workplace Law, M.G.L. Chapter 270, Section 22; and
2. An expansion that bans the use of electronic cigarettes wherever the state law applies; and
3. A section, 4(c), where cities and towns can be stricter than the state law.

The Board discussed to ban smoking locally in:

1. Smoking bars (cigar bars and hookah bars)
2. Retail Tobacco Stores (tobacconists and smoke shops) unless there is a grandfather clause for existing smoke shops.
3. Buffer Zones around municipal building entrances
4. Municipal-owned parks and playgrounds
5. Municipal-owned athletic fields
6. Municipal-owned beaches
7. Nursing Homes
8. Hotels, Motels, B&B Rooms
9. Outdoor restaurant/bar locations
10. Public transportation, bus and taxi waiting areas.

KO will ask D.J. Wilson, director of Tobacco Control regarding grandfather clause for tobacco shop and what the next step to proceed.

8:20 Health Fair

SB has drafted a letter to send out to all potential vendors. The letters has been sent out.

8:30 Administrative Assistant's Notes:

Flu Clinic: DC reported the flu clinic will be on October 15, 2014 at Council on Aging.

Yardwaste: DC reported yardwaste dates for the fall has been set. It will be on Fridays, November 7th and November 21st.

8:40 Meeting Adjourned